IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 7716 of 2007(R)

PETITIONER:

SAJIMON.V.J., S/O.JOHN,
VADAKKOTTU THERAPPEL, NEEZHOOR P.O.,
VAIKOM, NOW RESIDING AT KALATHIKOTTIL (H),
PALAKKARA, KADATHURUTHY P.O., KOTTAYAM.

BY ADV. SRI.JOSE JOSEPH (MANNAR)

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, MOTOR VEHICLE DEPARTMENT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

3. THE TAHSILDAR, VAIKOM.

4. THE JOINT REGIONAL TRANSPORT OFFICER,
VAIKOM.

5. THE REGIONAL TRANSPORT OFFICER,
IDUKKI.

6. THE SUB INSPECTOR OF POLICE,
KARIMKUNNAM POLICE STATION, IDUKKI DISTRICT.

7. SREE RAM TRANSPORT FINANCE COMPANY
LTD., MOOKAMBIKA COMPLEX, IIIRD FLOOR,
NO.IV, LADY DESLKA ROAD, MYLAPOOR, CHENNAI,
REP. BY V.K.SUNILKUMAR, BRANCH MANAGER,
GEETHA COMMERCIAL COMPLEX, KOTTAYAM.

R1 TO 6 BY G.P. SMT.M.K.PUSHPALATHA
R7 BY ADV. SRI.C.HARIKUMAR
SRI.ARAVINDA KUMAR BABU T.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF CERTIFICATE OF REGISTRATION.

P2: TRUE PHOTOCOPY OF CHECK REPORT ISSUED TO PETITIONER.

P3: TRUE PHOTOCOPY OF COMPLAINT IN S.T. NO.1194/2006 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOTTAYAM U/S.138 AND 142 OF NEGOTIABLE INSTRUMENT ACT.

P4: TRUE PHOTOCOPY OF THE NOTICE ISSUED BY R3 U/S.34 OF THE R.R. ACT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7716 of 2007

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Dated this the 15th day of June, 2007.

JUDGMENT

Since petitioner has paid 50% of the arrears of motor vehicle tax and has agreed to pay up the balance arrears of tax in instalments, petitioner is granted six equal monthly instalments to clear the balance arrears, first of which will be paid on or before 5.7.2007 and balance on or before the 5th day of five succeeding months. If petitioner has submitted Form G covering the period of seizure, there will be direction to the RTO to pass adjudication orders thereon within three weeks from the date of production of copy of this judgment. If any reduction is granted, petitioner needs to pay only such reduced tax. So far as the dispute between petitioner and financier is concerned, it is for the petitioner to offer reasonable terms for the financier to settle the dispute. Recovery proceedings will be kept in abeyance for payment as above and in the event of default in payment of any instalment, the instalment facility will stand cancelled and respondents can recover the entire arrears. There will be direction to the 4th respondent to receive first instalment and make endorsement of balance instalments in the RC book in terms of the instalment facility granted above. The 6th respondent will release the vehicle on petitioner producing RC book with payment and instalment endorsed as above. If petitioner commits default in payment of

any instalment, there will be direction to the petitioner to surrender the vehicle to 6th respondent immediately after default, failing which respondents can move this court for initiating contempt.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms